

**U.S. v. Arvizu, decided Jan. 15, 2002**

**FACTS:** Arvizu was stopped by Border Patrol Agent Stoddard at a checkpoint near the Arizona-Mexico border, north of the border town of Douglas, Arizona. Only two highways lead northward from Douglas. The checkpoint is located on Hwy 191. Agents work the checkpoint as well as rove the backcountry to locate illegal aliens that attempt to bypass the checkpoint. Electronic sensors in the area also help in locating illegals.

On a day in January, 1998, Agent Stoddard received a report that a sensor on Leslie Canyon Road had triggered. This suggested that someone might be trying to circumvent the checkpoint. The time was also suspicious because it was a shift change, a fact he believed the alien smugglers knew. He headed toward the area, and received a report that another sensor in the area had also triggered. He continued on, and spotted another vehicle. The timing was such that he believed it was the vehicle that had tripped the sensors. He pulled to the side of the road to observe the vehicle.

The vehicle was a minivan, a type of vehicle often used by the smugglers. As it approached him, it slowed dramatically. Stoddard saw five occupants, an adult male and female in the front and three children in the back. The driver was very stiff, and appeared to be deliberately ignoring the Border Patrol vehicle. He also noted that the children in the very back seat appeared to have their feet on something on the floor. As the vehicle passed, Stoddard began to follow the vehicle. At one point, the children in the vehicle began to wave in an abnormal pattern, apparently under instruction, and the waving continued on and off for several minutes.

As they approached the Kuykendall Cut Road intersection, the driver signaled a turn, and then turned off the signal. In a few moments, the driver again turned on the signal and made an abrupt turn onto the side road. Stoddard found the turn significant because this was the last point where a vehicle could avoid the checkpoint, and because the road was not really suitable for the minivan; four-wheel-drive vehicles normally traversed the rough road.

Stoddard did not recognize the minivan as local traffic, and there were no picnicking or sightseeing grounds in the area where the minivan was heading. He requested information on the vehicle's registration, and learned that the registered address was in an area in Douglas known for alien and narcotic smuggling. At this point, he decided to make a vehicle stop. The driver, Arvizu, stopped, and Stoddard asked for permission to search the vehicle, which was granted. Stoddard found approximately 128 pounds of marijuana in the vehicle, including some in the duffel bag upon which the children's feet were resting.

Arvizu was convicted of intent to possess and distribute marijuana. The Court of Appeals reversed, holding that most of the factors relied upon by the District Court "carried little to no weight in the reasonable-suspicion calculus" leaving insufficient factors upon which to base the stop.

**ISSUE:** Were there sufficient suspicious factors present to satisfy the reasonable suspicion standard for a Terry stop?

**HOLDING:** Yes

**DISCUSSION:** The Court held that officers (and the courts) must “look to the totality of the circumstances of each case to see whether the detaining officer has a particularized and objective basis for suspecting legal wrongdoing.” The Court went on to state that the “process allowed officers to draw on their own experience and specialized training to make inferences from and deductions about the cumulative information available to them that might well elude an untrained person.”

The Court examined the factors that were found wanting by the Circuit Court of Appeals, including, the timing, the type of vehicle (a minivan), the posture of the adult passengers, including their failure to acknowledge Stoddard’s presence, the children’s elevated knees, the odd waving of the children, the turnoff onto a rough road, and the address where the vehicle was registered. The Supreme Court found that while each of the factors questioned by the Court of Appeals might have been innocent in isolation, that “taken together, they warranted further investigation.” In this situation, the Court found that Agent Stoddard’s deductions from his observations and based upon his experience in the Border Patrol were reasonable and “sufficed to form a particularized and objective basis” for the stop of the vehicle.